

## Message Text

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ACTION EB-07

INFO OCT-01 EA-06 ISO-00 COME-00 LOC-01 L-02 /017 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3023

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E.O. 11652: N/A

TAGS: ECON, EIND, RP

SUBJECT: COPYRIGHT: THE PRESENT STATUS OF PD 400

REF: (A) STATE 076949; (B) MANILA 4986

1. PER REFTELS, ECON/COMMERCIAL COUNSELOR CALLED MAY 6 ON NEDA DIRECTOR GENERAL SICAT TO REVIEW REPORTED PROBLEMS WITH IMPLEMENTATION PD 400. RECENT CORRESPONDENCE OF PRENTICE HALL (ALBERT) WITH PHILIPPINE CONTACTS WAS DISCUSSED ALONG WITH A NEW COMPLAINT JUST RECEIVED FROM WEBSTER (COPY OF LETTER POUCHED EA/PHL). ECON/COMMERCIAL COUNSELOR CONCLUDED REVIEW OF SITUATION BY NOTING THAT PUBLISHERS SEEM SATISFIED WITH PD 400, BUT THAT U.S. FIRMS EXPRESS A GROWING LIST OF PROBLEMS WITH MANNER OF POLICING THE ACTIVITIES OF REPRINTERS. A SATISFACTORY WAY TO ACCOMPLISH THIS ALONG WITH PROMPT PAYMENT OF ROYALTIES UNDER THE TERMS OF PD 400 WOULD TAKE CARE OF MAJOR COMPLAINTS.

2. SICAT AGREED THAT POLICING WOULD HAVE TO BE IMPROVED, BUT SAID GOP DID NOT LIKE CONCEPT OF A PRIVATE QUOTE WATCHDOG COMMITTEE UNQUOTE AS PROPOSED BY ALBERT. THE ADMINISTRATIVE AGENCY RESPONSIBLE WOULD CONTINUE TO BE THE NATIONAL LIBRARY, HE SAID, EVEN THOUGH HE ADMITTED THAT THE POLICE POWER OF THE LIBRARY WAS VERY LIMITED. HE WAS SURE, HOWEVER, THAT PD 400 COULD BE MADE TO WORK.

3. A MAJOR PROBLEM NOW WITH IMPLEMENTING PD 400 SICAT DESCRIBES AS QUOTE BILATERAL UNQUOTE DEALS BETWEEN INDIVIDUAL

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U.S. PUBLISHERS AND REPRINTERS SUCH AS ALEMAR (AGAINST WHICH

WEBSTER IS COMPLAINING). ALEMAR'S STATES IT HAS DEALS ON SEVERAL BOOKS, AND UNLESS THERE IS CREATED AND MAINTAINED AN ADMINISTRATIVE CHANNEL (NATIONAL LIBRARY) THROUGH WHICH PRINTING RIGHTS ARE SOUGHT AND THE U.S. PUBLISHER'S CONSENT IS CONVEYED, THERE IS PROBABLY NO WAY TO ASSURE ENFORCEMENT OF THE DECREE.

4. AFTER MUCH DISCUSSION OF FOREGOING POINT, SICAT SUGGESTED THAT U.S. PUBLISHERS MAY WISH TO SEND A TEAM TO MANILA TO WORK OUT PROCEDURES WITH THE REPRINTERS AND THE NATIONAL LIBRARY. HE COULD NOT GUARANTEE, HE SAID, THAT PHILIPPINE REPRINTERS WOULD STICK TOGETHER ONCE ACCORD REACHED, ESPECIALLY IF FOREIGN PUBLISHERS CONTINUED WILLING TO WORK OUT INDIVIDUAL DEALS, SICAT FELT THAT SUCH A MEETING OF THE PARTIES WAS A GOOD STARTING POINT.

5. COMMENT AND ACTION REQUESTED: SICAT REMAINS SOMEWHAT RANKLED BY WAY PD 400 CAME INTO BEING, BUT HE HAS BEGUN TO WRESTLE GENUINELY WITH PROBLEMS OF IMPLEMENTATION, AS LONG AS BASIC OBJECTIVE OF LOW-PRICED BOOKS IS ALSO ACHIEVED. WHETHER THE SUGGESTED COURSE OF A FACE-TO-FACE ATTEMPT OF PUBLISHERS AND REPRINTERS WILL YIELD DESIRED PROCEDURE FOR POLICING ACTIVITIES OF REPRINTERS REMAINS TO BE SEEN. BUT EMBASSY BELIEVES IT SHOULD BE GIVEN A TRY AND RECOMMENDS DEPARTMENT DISCUSS THE PROPOSAL WITH ALBERT. SULLIVAN

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